

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 8**  
95TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 18, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

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TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be known as section 650.059, to read as follows:

**650.059. 1. There is hereby established within the department of public safety a "Crime Laboratory Review Commission" to provide independent review of any state or local Missouri crime laboratory receiving state-administered funding.**

**2. The commission shall consist of five members who shall be citizens of this state, including one senior manager from a crime laboratory within the state that is accredited by a body approved by the department of public safety, one licensed law enforcement officer employed by a county or municipality in a management position, one prosecuting attorney, one criminal defense attorney, and the director of the department of public safety or his or her designee.**

**3. Except for the director of the department of public safety or his or her designee, the members shall be appointed by the governor with the advice and consent of the senate. For the initial term, the prosecuting attorney and criminal defense attorney shall serve a term of two years. The law enforcement officer and the crime laboratory senior manager shall serve an initial term of four years. Thereafter, all appointments shall be for terms of four years. Except for the director of the department of public safety or his or her designee, the governor shall fill any vacancy by appointment for the unexpired term and each**

21 member of the board shall hold office until such member's successor is  
22 appointed and qualified.

23 4. If a member no longer meets the qualifications for which he  
24 or she was appointed, the member's seat shall be deemed vacant.

25 5. The members of the commission shall not receive  
26 compensation for their services other than to receive reimbursement  
27 costs directly associated with the execution of their commission duties.

28 6. The director of the department of public safety or his or her  
29 designee shall serve as chairman of the commission. The commission  
30 shall meet at least annually to review the current status of crime  
31 laboratories in this state. Three members of the commission shall  
32 constitute a quorum.

33 7. For the purposes of this section, the term "crime laboratory"  
34 shall mean any forensic science laboratory operated or supported  
35 financially by the state or any unit of city, county, or other local  
36 Missouri government receiving state-administered funding, and  
37 employs at least one scientist who examines physical evidence in  
38 criminal matters and provides expert or opinion testimony with respect  
39 to such physical evidence in a state court of law.

40 8. The commission shall have the power to:

41 (1) Assess the capabilities and needs of Missouri crime  
42 laboratories, as well as their ability to deliver quality forensic services  
43 in a timely manner to law enforcement agencies in the state of  
44 Missouri, and make recommendations for improvements to such  
45 services;

46 (2) Authorize independent external investigations into  
47 allegations of serious negligence or misconduct committed by  
48 employees or contractors of a crime laboratory substantially affecting  
49 the integrity of forensic results. The commission shall solicit input and  
50 guidance from any appropriate expert as it deems necessary in the  
51 investigation process;

52 (3) Appoint members to inspection or investigative teams to  
53 assist in carrying out the duties described in subdivisions (1) and (2) of  
54 this subsection;

55 (4) Issue reprimands to crime laboratories and to employees or  
56 contractors of crime laboratories found to be negligent or engaging in  
57 misconduct in the execution of their responsibilities;

58           **(5) Make recommendations for changes in procedure of crime**  
59 **laboratories found to be negligent in the execution of their**  
60 **responsibilities; and**

61           **(6) Issue reports to the director of the department of public**  
62 **safety summarizing any findings of negligence or misconduct of a crime**  
63 **laboratory or an employee or contractor of a crime laboratory and**  
64 **making recommendations regarding revocation or suspension of grant**  
65 **funding that the commission deems warranted.**

66           **9. The commission shall submit an annual report to the governor**  
67 **summarizing its activities and any suggestions to improve the crime**  
68 **laboratory system in this state.**

69           **10. The department of public safety shall have the authority to**  
70 **revoke any grant money from a crime laboratory if the laboratory does**  
71 **not cooperate with the commission or if allegations of serious**  
72 **misconduct or negligence are substantiated by the commission.**

73           **11. In the event the commission takes a vote concerning only a**  
74 **particular crime laboratory, the appointee serving as a senior manager**  
75 **of a crime laboratory or licensed law enforcement officer shall recuse**  
76 **himself or herself from such vote if it involves the crime laboratory**  
77 **employing such senior manager or a crime laboratory operated by the**  
78 **municipality employing such officer.**

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